

HOUSE BILL 152

E4
HB 1523/10 – ECM

1lr1490

By: **Delegates Beitzel, Minnick, and Stifler**
Introduced and read first time: January 26, 2011
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Elevator Safety – Elevator Units in Places of Worship – Exemption from**
3 **Third-Party Inspections**

4 FOR the purpose of requiring a State inspector to make certain periodic annual
5 inspections of elevator units in any building used primarily for public religious
6 worship that has a single level platform lift or stairway chair lift; altering a
7 requirement that third-party qualified elevator inspectors be hired to conduct
8 certain elevator inspections by requiring that certain elevator inspections be
9 made by a State inspector under certain circumstances; making a certain
10 conforming change; and generally relating to inspections of elevator units.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 12–809 and 12–812
14 Annotated Code of Maryland
15 (2003 Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Public Safety**

19 12–809.

20 (a) A State inspector shall make the following inspections:

21 (1) final acceptance inspection of all new elevator units prior to
22 issuance of first certificate;

23 (2) investigation of accidents and complaints;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



- 1 (3) follow-up inspections to confirm corrective action;
- 2 (4) final acceptance inspection of the modernization or alteration of an
3 elevator unit;
- 4 (5) a comprehensive 5-year inspection as defined by regulation;
- 5 (6) except as provided by § 12-807(b) of this subtitle, inspections of
6 elevator units owned by the State or a political subdivision; [and]
- 7 (7) quality control monitoring of inspections conducted by third-party
8 qualified elevator inspectors; **AND**

9 **(8) PERIODIC ANNUAL INSPECTIONS REQUIRED BY THE SAFETY**
10 **CODE OF ELEVATOR UNITS IN A BUILDING USED PRIMARILY FOR PUBLIC**
11 **RELIGIOUS WORSHIP THAT HAS A SINGLE LEVEL PLATFORM LIFT OR STAIRWAY**
12 **CHAIR LIFT.**

13 (b) (1) A contractor, owner, or lessee shall provide the Commissioner with
14 at least 60 days' notice of a requested inspection.

15 (2) If a contractor, owner, or lessee provides the Commissioner with
16 less than 60 days' notice of a requested inspection that will be conducted by a State
17 inspector, the Commissioner shall schedule the inspection at the convenience of the
18 State subject to the availability of State resources.

19 (c) (1) For all inspections conducted by a State inspector, the contractor,
20 owner, or lessee of an elevator unit shall pay a fee for an inspection under § 12-810(d)
21 or § 12-812(d)(3) of this subtitle at the following rate:

22 (i) half day (up to 4 hours), not to exceed \$250; or

23 (ii) full day (up to 8 hours), not to exceed \$500.

24 (2) Each fee collected under this subsection shall be paid into the
25 Elevator Safety Review Board Fund established under this subtitle.

26 (3) A contractor, owner, or lessee who notifies the Commissioner at
27 least 24 hours in advance of a scheduled inspection that the elevator unit does not
28 comply with the requirements of Part II of this subtitle may not be charged a fee
29 under paragraph (1) of this subsection.

30 (d) (1) **[An] EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS**
31 **SECTION, AN** owner shall hire a third-party qualified elevator inspector to conduct all
32 periodic annual inspections that are required by the Safety Code.

1 (2) An inspection by a third-party qualified elevator inspector shall
2 ensure that the elevator unit complies with the Safety Code and other regulations
3 adopted by the Commissioner under Part II of this subtitle.

4 (3) The Commissioner shall establish qualifications, insurance
5 requirements, and procedures based on nationally accepted standards that the
6 Commissioner considers necessary to register third-party qualified elevator inspectors
7 under Part II of this subtitle.

8 (4) Any fees collected by the Commissioner to register third-party
9 qualified elevator inspectors shall be paid into the Elevator Safety Review Board Fund
10 established under this subtitle.

11 12-812.

12 (a) A certificate is valid for the period indicated on the certificate.

13 (b) Each elevator unit in the State shall have a periodic annual inspection by
14 a State inspector as provided for in § 12-809(a)(6) **OR (8)** of this subtitle or by a
15 third-party qualified elevator inspector as provided for in § 12-809(d) of this subtitle.

16 (c) Before scheduling an inspection with the Commissioner or a third-party
17 qualified elevator inspector, the contractor, owner, or lessee of an elevator unit shall:

18 (1) ensure that the elevator unit is operated, inspected, and repaired
19 in accordance with Part II of this subtitle and the regulations adopted under Part II of
20 this subtitle; and

21 (2) make inspection, maintenance, and repair records available to the
22 inspector charged with inspecting the elevator unit.

23 (d) (1) When an inspector conducts an inspection and the elevator unit
24 fails the inspection, the inspector shall issue an inspection checklist that specifies the
25 corrections required.

26 (2) The inspection checklist shall be on a form provided by the
27 Commissioner and shall specify the requirements for compliance with the Safety Code
28 and other regulations adopted by the Commissioner.

29 (3) If a State inspector conducts a follow-up inspection to ensure
30 compliance with the corrections specified on the inspection checklist, the contractor,
31 owner, or lessee shall pay a fee in accordance with § 12-809 of this subtitle.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2011.